

AO 91 (Rev. 5/85) - Criminal Complaint

E-FILING

United States District Court

NORTHERN

DISTRICT OF

2007 SEP -5 CALIFORNIA

UNITED STATES OF AMERICA

V.

RICHARD W. WIEKING
CLERK
U.S. DISTRICT COURT
NO. DIST. OF CA. S.J.

CRIMINAL COMPLAINT

Jaime Goana JIMENEZ

CASE NUMBER: 07-70518

PVT

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On a date unknown but no later than, August 16, 2007, in Monterey County in the Northern District of California defendant(s)

Unlawfully re-entered and was found in the United States after deportation, without the permission of the Attorney General

in violation of Title 8 United States Code, Section(s) 1326
I further state that I am a(n) Deportation Officer and that this complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT

PENALTIES: \$250,000.00 fine, twenty years imprisonment and \$100.00 special assessment fee and a Term of Supervised Release up to three years.

Requested bail: Issue no bail warrant.

APPROVED AS TO FORM:

ASSISTANT UNITED STATES ATTORNEY

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

Sworn to before me and subscribed in my presence,

9/5/07

Date

at

San Jose, California

City and State

Patricia V. Trumbull
UNITED STATES MAGISTRATE JUDGE
Name & Title of Judicial Officer

Patricia V. Trumbull
Signature of Judicial Officer

RE: Jaime Goana JIMENEZ

A 74 333 202

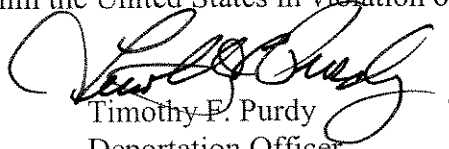
I, Timothy F. Purdy, am a Deportation Officer of the United States Department of Homeland Security, Immigration and Customs Enforcement (ICE). I have been employed by this agency, U.S. Customs & Border Protection and the former Immigration and Naturalization Service (INS), since October 1, 2002. I am currently assigned to the Criminal Alien Program at the San Jose, California Sub-Office. In such capacity, I have reviewed the official immigration "A-File" relating to the above named defendant, which attests to the following:

- (1) The DEFENDANT Jaime Goana JIMENEZ (This DEFENDANT has sixteen Alias's), is a 41 year-old married male whose date of birth is currently understood to be October 19, 1965. He is a citizen and native of Michoacan, Mexico as substantiated by a sworn statement made to that effect by the DEFENDANT during an interview that was initiated on August 16, 2007 at Soledad State Prison by ICE Immigration Enforcement Agent (IEA) Patrick Malate of the San Jose, California DRO Sub-Office;
- (2) The DEFENDANT has been assigned Alien Registration number of A 74 333 202, FBI number of 870051LA5, and California Criminal State ID Number of A09395169;
- (3) On April 5, 1994, the DEFENDANT was convicted in the Superior Court of California/County of Santa Clara, of the offenses of: TRANSPORT/SELL/OFFER TO SELL A CONTROLLED SUBSTANCE {Cocaine} a felony, in violation of California Health and Safety Code Section 11352(A), and was sentenced to three years in prison. This offense is defined as an aggravated felony under Title 8, United States Code, Section 1101(a)(43)(B);
- (4) On October 3, 1995, the DEFENDANT was determined to be unlawfully present in the United States by the INS District Director San Diego, California and ordered deported from the United States to Mexico;
- (5) On November 1, 2002, the DEFENDANT was convicted in the Superior Court of California/County of Santa Clara, of the following offenses: POSSESSION OF MARIJUANA, a misdemeanor, in violation of California Health and Safety Code Section 11357(B) and USE/UNDER THE INFLUENCE OF A CONTROLLED SUBSTANCE, a misdemeanor, in violation of California Health and Safety Code Section 11550. The DEFENDANT was subsequently sentenced to ninety days in jail for these offenses;

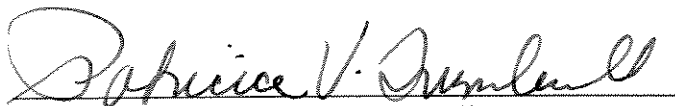
RE: Jaime Goana JIMENEZ

A 74 333 202

- (6) On May 5, 2003, the DEFENDANT was determined to be unlawfully present in the United States by the District Director San Diego, California and ordered deported from the United States to Mexico;
- (7) On April 2, 2007, the DEFENDANT was convicted in the Superior Court of California/County of Santa Clara, of the following offenses: POSSESSION FOR SALE {Methamphetamine}, a felony, in violation of California Health and Safety Code Section 11378 and OWNING/PURCHASING/RECEIVING AND POSSESSION OF A FIREARM BY A FELON, a felony, in violation of California Penal Code 12021(A)(1) and sentenced to three years in state prison. This offense is defined as an aggravated felony under Title 8, United States Code, Section 1101(a)(43)(B) & (E);
- (8) On, May 23, 2007, the Defendant was encountered by IEA Malate, at Soledad State Prison, and determined to be unlawfully present in the United States after a prior deportation. IEA Malate read the DEFENDANT of his Miranda rights in the Spanish language. The DEFENDANT waived his Miranda rights and provided a written sworn statement attesting to his alienage, prior deportation, and failure to obtain permission from the Secretary of the Department of Homeland Security or the United States Attorney General to reenter the United States. This is this DEFENDANT'S third written sworn statement attesting to his alienage;
- (9) The DEFENDANT'S official A-File does not contain any record or indication that he either requested or received permission from the Secretary of the Department of Homeland Security or the Attorney General of the United States to reenter the United States;
- (10) Based on the above stated information, this Officer believes there is sufficient probable cause that the Defendant is present within the United States in violation of Title 8, United States Code, Section 1326.


Timothy F. Purdy
Deportation Officer
Immigration and Customs Enforcement

Subscribed and sworn to before me this 5 day of September 2007


Patricia V. Trumbull
UNITED STATES MAGISTRATE JUDGE